

**BOARD OF SELECTMEN
MEETING MINUTES
TUESDAY, SEPTEMBER 13, 2005
ABLONDI ROOM**

1 **Attendance:** Katherine E. Murphy, Chair; John H. Stasik, Vice Chair; Charles J.
2 Sisitsky, Clerk; A. Ginger Esty, Member; Dennis L. Giombetti, Member

3
4 **Staff:** George P. King, Jr., Town Manager; Mark J. Purple, Assistant Town Manager;
5 Scott T. Morelli, Executive Assistant

6
7 Meeting called to order at 7:00 PM.

8
9 Ms. Murphy read the agenda.

10
11 **PUBLIC PARTICIPATION**

12
13 Mr. Robert O'Neil said he supported the three current Board subcommittees and
14 proposed a fourth that he would like to have look at illegal immigration. He said these
15 committees brought forth more knowledge on their respective subjects.

16
17 Rev. Faith Tolson announced that there would be a Framingham Hurricane Katrina Relief
18 Concert on Sunday, September 25, 2005 from Noon to 6:00 PM at Bowdich Field. She
19 noted numerous events and co-sponsors. Mr. Antonio Ricardo said many downtown
20 merchants were involved in the project. He said the monetary donations would go
21 directly to the displaced citizens at Camp Edwards. Mr. Giombetti asked how a business
22 could become a co-sponsor. Mr. Ricardo said businesses could phone him. Rev. Tolson
23 said they sought volunteers for the event and to call Black Top Hair Salon for more
24 information.

25
26 Mr. Tom O'Neil spoke on behalf of the Standing Committee on Planning and Zoning.
27 He read a letter regarding the Housing Policy Liaison Committee requesting a progress
28 report be presented to Town Meeting in October. He asked Mr. King if the proper thing
29 to do was to submit an article. Mr. King said it was and that the deadline was September
30 16, 2005. Ms. Esty asked if the committee had discussed the fact that a legislative
31 committee was stalling the Town's Home Rule bylaw change. Mr. O'Neil said it was a
32 major point of discussion and the committee that should be dealing with this wasn't doing
33 anything about it. He said the committee felt there needed to be letters and emails sent to
34 the local delegation about this matter and Ms. Esty said the Board should remind the area
35 legislators about this as well.

36
37 Mr. William LeBarge said he was dismayed with SMOC and James Cuddy and listed
38 several reasons as to why. Ms. Murphy asked Mr. LeBarge why he was bringing this to
39 the Board of Selectmen as it did not have anything to do with the Board. She said the
40 Board had no control over SMOC and it should be addressed with them. Mr. LeBarge
41 said the Board invited SMOC and other social service agencies to attend a meeting to
42 give a presentation and Mr. Cuddy said he did not have time. He said Mr. Cuddy had
43 recently launched a lawsuit against Town for the permit denial. Ms. Esty said the Board
44 had taken up the issue about getting more info about the social service agencies and

thought this information was useful until such time that SMOC could come to the Board. Ms. Murphy referred to the Town's Public Participation Policy and reiterated that the behavior of SMOC's leadership was not within the Board's scope. Mr. LeBarge said it affected the Town and local politics.

Mr. Peter Adams said SMOC said they could not attend the social services summit because of summer vacation schedules but that they would be able to meet after Labor Day. He asked now that it was past Labor Day if the Board would again invite them in. He also asked whether the Board had heard from any of the social service agencies and if they would abide by the moratorium passed by Town Meeting. Ms. Murphy said the Board had not further addressed another summit with SMOC and no comments had been made regarding the moratorium other than those that had been made in the newspaper.

PUBLIC HEARINGS

Consideration of Change of Manager & Assistant Manager – Bugaboo Creek Steak House, 345 Cochituate Road

Mr. Barry Gerstein represented Bugaboo Creek. He said the Assistant Manager's father passed away last week so he would call Marellen Rupp, Licensing Agent, to reschedule for that appointment. Mr. Sisitsky asked if Mr. Gerstein was aware of the report from Lt. Steve Wuorio indicating the neither the manager nor assistant manager had registered with the Framingham Police Department (FPD). Mr. Gerstein said they both attempted to go to the FPD on Thursday but there was a power outage there all day due to the down poles. He said they would go again this Thursday to register. Mr. Gerstein said the Board could approve this conditionally.

MOVED: To approve the change of Manager and Assistant Manager for Bugaboo Creek Steak House, pending registration by the Manager & Asst. Manager with the Police Department as trained servers.

Motion: Mr. Sisitsky Second: Mr. Stasik

VOTE: 5-0-0

Consideration of Change of Manager – Water Street Wine & Spirits, 1 Nicholas Road

Mr. Jason Lee sought approval to be the new manager. Ms. Murphy asked Mr. Lee if he had registered with the FPD, which he said he did. Mr. Sisitsky asked if the Assistant Manager was changing as well, which Mr. Lee said it was not.

MOVED: To approve the change of Manager for Water Street Wine & Spirits.

Motion: Mr. Stasik Second: Mr. Sisitsky

VOTE: 5-0-0

Consideration of New All Alcohol Restaurant – Casa Brasil, 290 Worcester Road – (Currently Beef Grill Restaurant - ComVic only)

Mr. Ivahy De Oliveira said he had been in the restaurant business for 20 years. Mr. De Oliveira said he had a reference from the Milford Board of Selectmen and Police Department, which Ms. Murphy confirmed. She said that Lt. Wuorio noted that Casa

1 Brasil registered on August 4, 2005 but since this was a new business he recommended
2 they establish a good working knowledge of the Town's alcohol policy.

3
4 Mr. Delmar Mariez said he had lived in Framingham for 20 years and he lived on
5 Aberdeen Road, which was next to the restaurant. He said people cut through his
6 residential street to get to this restaurant and he was worried because there were 16 young
7 kids who lived on the street and there were no sidewalks. Ms. Esty said there was a law
8 about using residential streets to access businesses and said the Town should look into
9 cutting off access to the business from this street. Mr. Sisitsky asked Mr. De Oliveira if
10 he was just buying the restaurant or the property as well, to which Mr. De Oliveira
11 replied the restaurant only. Mr. Sisitsky said the owner should put up a fence to prohibit
12 access from Aberdeen Road. Mr. Giombetti said the Walter Dyer Leather Company was
13 behind the restaurant and he explained how vehicles could access this area from
14 Aberdeen Road. Ms. Murphy wondered where this issue would be most appropriately
15 dealt with and Mr. Sisitsky said the Traffic and Roadway Safety Committee (TRSC)
16 would be meeting the next day and he would bring it to their attention. Mr. Sisitsky
17 suggested holding this application in abeyance as leverage to get the private owner to
18 address the issue. Ms. Murphy asked what prevented people from accessing the
19 restaurant before. Mr. Mariez said it was a dead end but now it was opened. Mr. Sisitsky
20 said he would get recommendations from the Traffic and Roadway Safety Committee as
21 to the best way of solving the problem and bring these to next week's Board meeting.

22
23 MOVED: To table action on Casa Brasil as an All Alcohol Restaurant until next week
24 and require the Traffic and Roadway Safety Committee to report back to the Board with
25 their recommendations.

26 Motion: Mr. Sisitsky

Second: Ms. Esty

27 VOTE: 5-0-0

28
29 *Consideration of Change of Manager – Metrowest Tropical Foods, 195 Hollis Street*
30 Mr. Alex Ibarra said everything from the last meeting had been taken care of so they
31 could get their license back. Ms. Murphy asked if the change of manager was a result of
32 the current manager being out of the state and if the new manager would be in the state.
33 Mr. Ibarra said this was correct and that the new manager would be in Haverhill. Mr.
34 Sisitsky asked the proposed new manager, Ms. Dolores Ibarra, how many hours she could
35 be on the premises. Ms. Ibarra said she would move to Framingham soon and said she
36 would be there for 40 hours. Mr. Giombetti asked if she currently worked there and Ms.
37 Ibarra said she had been there for the last month. Mr. Giombetti said he was troubled by
38 this location because of the previous violations and business practice issues such as
39 paying employees with cash. He wondered if this would really be a full-time manager
40 and said that any future violations would be very serious and a revocation of their license
41 could be in order. Mr. Ibarra said he understood and noted that his father was retiring
42 and that is why his mother was coming on board to do the duties when he was not there.
43 Ms. Esty asked how many months it would take for everything to be settled, to which Mr.
44 Ibarra responded that it would be settled before the end of the year when they change the
45 Assistant Manager. Mr. Stasik asked Mr. Giombetti if he wanted to make this a condition
46 of granting the license. Mr. Giombetti said he did not but warned against another Board
47 appearance.

1
2 MOVED: To approve the change of Manager for Metrowest Tropical Foods.

3 Motion: Mr. Stasik Second: Mr. Sisitsky

4 VOTE: 5-0-0

5
6 ACTION ITEMS

7
8 *Consideration of Sidewalk Sale Dates for Panza Shoe – 418 Union Avenue*

9 Ms. Murphy asked if there were any representatives from Panza Shoe and there were
10 none.

11
12 MOVED: To approve the sidewalk sale dates for Panza Shoe, subject to the conditions
13 set forth by the Framingham Police Department.

14 Motion: Ms. Esty Second: Mr. Giombetti

15 VOTE: 5-0-0

16
17 CONSIDERATION OF THE COMMONWEALTH CAPITAL GRANT FUND

18 Ms. Kathleen Bartolini, Director of Planning and Economic Development, referred to the
19 application included with the Board's packet and explained the requirements for the State
20 programs. She said the Town had one of the highest scores last year with a 93. Ms.
21 Bartolini said the State amended the form and tightened up the timeframe for this year,
22 which she said resulted in more time spent on putting together the materials. She said the
23 Town lost some points and fell to 89 because of things it committed to last year that
24 could not be implemented because of delays from the Housing Liaison Subcommittee.
25 Ms. Bartolini cautioned that the form would be reviewed by State employees and their
26 goal is to challenge creative answers on the application, which could result in a lower
27 score. She said Town had some creative answers but they were defensible. Ms.
28 Bartolini noted that there was a Town Forest and if Michele Grezenda, Conservation
29 Administrator, could come up with a Forest Management Plan by December 2006 then
30 the Town would be eligible for an additional point, which would bring the score up to 90.

31
32 Ms. Esty said she thought this was a good score but wanted to know how it matched up
33 with the Town was asking for. Ms. Bartolini said a low or high score didn't preclude the
34 Town from applying for a certain amount. She said a lower score decreased the Town's
35 chance of getting the amount requested. Ms. Bartolini said five applications were filed
36 by SEA on behalf of the Department of Public Works (DPW) totaling \$11.3 million. She
37 said this form was a necessary component of those applications and that a score of 90
38 would make the applications very competitive.

39
40 Mr. Stasik asked if there were any other applications, to which Ms. Bartolini responded
41 that she wasn't aware of others. She said the Town was ineligible for several housing
42 programs because it was an entitlement community through Community Development
43 Block Grants. Mr. Stasik asked if this was related to other kinds of discretionary grants,
44 such as Public Works Economic Development (PWED) grants. Ms. Bartolini said it
45 covered PWED Community Development Action Grants and water conservation and
46 water protection activities but that Chapter 90 and Priority Development Funds (PDF)
47 were not covered. Ms. Esty suggested in the future that the Town apply for help for Lake

1 Cochituate. Ms. Bartolini said one of the five applications was a \$350,000 grant for Farm
2 Pond and Beaver Dam Brook storm water management plan. Ms. Esty said those would
3 be related to Lake Cochituate also. Ms. Bartolini said it was as Beaver Dam Brook was
4 one of the major contaminant flows into Cochituate water shed. Mr. Sisitsky said such a
5 clean up would be a nice community application with Natick. Mr. Giombetti asked if
6 Lake Waushakum would be part of grant. Ms. Bartolini said it was not part of the grants
7 filed but the type of infrastructure needed to clean ponds such as this could be obtained
8 through a grant.

9
10 Mr. Giombetti asked how the Town managed its grants. Mr. King said the Town had no
11 grant manager or writer. Mr. Giombetti asked if all grants were sent through Ms.
12 Bartolini, to which Mr. King replied that it depended on the department. He said the
13 Planning Department was not staffed at a level to discover and apply for grants. Mr.
14 Giombetti asked how this situation compared to other towns. Mr. King said he did not
15 believe there were many grant opportunities that the Town was not aware of. He said he
16 did not believe a grant writer would uncover all that many more grants, a point with
17 which Ms. Bartolini agreed. She added that the Town did not apply for some
18 conservation grants because they were matching grants and Town doesn't have the
19 money to match. Ms. Bartolini said that the Parks and Recreation Department had a
20 consulting firm that assisted them with their grant writing efforts. She noted that the
21 Town had a municipal management natural hazard plan that made the Town eligible to
22 apply for FEMA money. Ms. Bartolini said such a grant would go through DPW but the
23 Planning Department did the necessary work to make the Town eligible. Mr. King
24 announced that FEMA money was being used for a program that the Town was running
25 next week. Mr. Giombetti suggested that part of the financial review should include
26 information on what grants the Town currently had. Ms. Esty noted that the Parks and
27 Recreation Department lost their grant writer at a time when money was available for
28 many programs. She wondered whether someone could be assigned a certain number of
29 hours to do grant research and writing. Mr. King said if such a position were to be
30 established it should be for the entire Town Hall. He said he would supply the Board
31 with a listing of grants, per Mr. Giombetti's request. Mr. King said there were very few
32 grants that the Town could get without supporting them in some way. He said the Town
33 had done good job with the staff it had to get the grants it did and he thanked Ms.
34 Bartolini for her work.

35
36 Ms. Esty said the Board had previously discussed having the Town apply for grants to the
37 Metrowest Foundation. Mr. King said he would try to have the Town submit some grants
38 but ultimately the departments must decide what specific activities to apply for.

39
40 Ms. Murphy said this application supported five DPW projects so it was critical that the
41 Town obtain every point possible. Mr. Stasik said the area that seemed weak on the
42 application was in zoning and wondered if it made sense to pick some of these point
43 categories and see if there was a desire in the Town to pursue them, such as accessory
44 apartments. Ms. Bartolini said it was worth it.

45
46 Mr. Stasik asked about sustaining agriculture, especially in regards to passing an
47 ordinance for promoting farms, which he said would get the Town four points on the

1 application. Mr. Sisitsky noted that the creation of an agricultural committee would yield
2 three points. Mr. Stasik said the purpose of the grant form was to spur Town activity by
3 getting points. Ms. Murphy said it was worth pursuing.

4
5 MOVED: To prepare the appropriate documents to demonstrate the Town's interest in
6 committing to creating an agricultural committee.

7 Motion: Mr. Stasik Second: Ms. Esty

8 VOTE: 5-0-0

9
10 MOVED: To prepare the documents to demonstrate the Town's commitment in preparing
11 zoning necessary to create accessory units.

12 Motion: Mr. Stasik Second: Ms. Esty

13 VOTE: 5-0-0

14
15 Ms. Murphy thought the Town had a comprehensive waste water plan. Ms. Bartolini said
16 the Town did have phase one and two of the plan and that phase three was currently
17 underway. Ms. Murphy asked about the recycling program referred to on page nine. She
18 said the program was listed as 2002 but she thought it was implemented in the 1980s.
19 Ms. Bartolini said 2002 was listed because that is when an expansion of the program
20 occurred and the town hired a recycling manager. Mr. King said the curbside program
21 had been in place since at least 1992.

22
23 Mr. Stasik asked if the Town had improved the recycling program since 2000 and if so he
24 wondered whether the Town would be able to use this again on next year's application or
25 if the Town would need to do more improvements. Ms. Bartolini said the Town would
26 get credit until the date changed on the application. Ms. Bartolini said she would submit
27 a final copy.

28
29 MOVED: To approve the Planning Department submit this document electronically on
30 behalf of the Board.

31 Motion: Mr. Stasik Second: Ms. Esty

32 VOTE: 5-0-0

33
34 THREE YEAR FINANCIAL PROJECTION – MR. KING

35 Mr. King said this presentation was in response to the Board's request to become more
36 involved in the budget process. He felt a detailed discussion on the topic was a good
37 place to start with the Board and added that understanding projections helped with future
38 decision-making.

39
40 Mr. King gave a PowerPoint presentation to the Board regarding the three year projection
41 and referenced his report. He noted revenue assumptions, including real estate tax, State
42 aid, and local receipts. He noted projected revenues of \$174,490,756 (FY06),
43 \$178,699,174 (FY07), \$185,464,211 (FY08), and \$192,534,923 (FY09). Mr. King also
44 noted fixed expenses

45
46 Mr. Giombetti said asked Mr. King if he was being cautious in not projecting anything
47 from the 55 plus zoning that the Town had passed. Mr. King said he didn't base his

1 projections on specific projects as it was too complicated and it could seriously alter the
2 estimates if this projection was off. He said his projections were more conservative.

3
4 Mr. Stasik asked if the Town would get an additional \$300,000 per year over first four
5 years, to which Mr. King responded it would.

6
7 Mr. Giombetti asked how much of the \$14 million in local receipts could be affected by
8 the Town through raising rates or other means. Mr. King estimated about \$3 million and
9 said that miscellaneous recurring and non-recurring categories had the largest impact. He
10 said he did not believe there was much room here to make a big difference but he could
11 continue to look into it if the Board so desired.

12
13 Mr. Sisitsky asked Mr. King to explain what an overlay was for those who might be
14 curious. Mr. King said an overlay was money put aside to pay back people for tax
15 abatement charges. Mr. Sisitsky said abatement rebates came from this account and at
16 the end of a year if there is money left over in the account it becomes an overlay surplus.
17 Mr. King said if the account ran out of money but the Town still owed people from it
18 then this would create an overlay deficit.

19
20 Mr. King said at a future meeting he would present an overview of operating expenses.

21
22 Ms. Murphy asked what happened with the telecommunications pole bill. Mr. King said
23 if the bill passed it could have a major impact. Ms. Murphy said the bill was still in
24 committee and suggested the Board keep an eye on it. Mr. Giombetti asked if taxes could
25 be levied on phone poles. Mr. King said much of this equipment is tax exempt under law
26 and that the bill Ms. Murphy mentioned dealt with this issue. Mr. Giombetti said he
27 thought the Town was able to tax the poles and Mr. King said he would look into this
28 further.

29
30 Mr. Stasik asked Mr. King if he could compile a chart of state aid as a percentage of
31 overall revenues, which Mr. King said he could do. Mr. Stasik said the ward of the State
32 contribution had the single biggest impact on the Town's budget because Framingham
33 took a large share of individuals in low-income brackets and children with special needs.
34 Mr. King said the Town should get a certain amount per person served as a mitigation
35 payment. Mr. Giombetti said there was a preliminary discussion on grants having an
36 element of payment in lieu of taxes (PILOT). Mr. Sisitsky asked if the Chapter 70
37 formula was based in part on the number of students in the Town, to which Mr. King
38 replied that it was politicized and was supposed to change in 2000. Ms. Esty asked if
39 children in social service programs were counted in the Chapter 70 program, which Mr.
40 King said they were but the problem was that if there was a 1,000 student increase he was
41 not sure the Town would see any additional money under the current formula.

42
43 Ms. Murphy said the Massachusetts Municipal Association just released a Municipal
44 Financial Task Force Report. She said it addressed some of these issues and that the
45 found an increased reliance on property taxes. Ms. Murphy said the MMA was
46 addressing the issue on a state level.

1 Ms. Esty said the placement of social security offices and probation and parole offices
2 were magnets for social service agencies. She said legislators should look into whether
3 there is any responsibility at the State or Federal level for placing these in the Town.

4
5 Ms. Murphy said audience members had submitted questions a few meetings ago
6 regarding water and sewer rates. Mr. King said he wasn't ready to comment on these
7 questions. Ms. Murphy said she reviewed these questions and said that one of the most
8 important things the Board did was share information. She said this request would
9 require a large amount of time to respond to and the person had not shown up again. Ms.
10 Murphy said she would not ask the Town Manager to drop everything to answer
11 questions when division heads often come to Board meetings to give presentations. She
12 read through the questions and answers. Ms. Murphy said answers to such questions
13 should come in public meetings.

14
15
16 Town Owned Land Task Force Update

17 Mr. Bill Merriam, Ms. Amy Weader, and Ms. Audrey Hall were present on behalf of the
18 task force.

19
20 Mr. Merriam said the Town owned numerous pieces of land acquired through various
21 methods. He said the committee filtered the town-owned list by zoning requirements and
22 resource areas so they could identify unused land that was potentially saleable. Mr.
23 Merriam gave a PowerPoint presentation on the committee's findings, including a
24 summary of each of the 21 pieces of property. He said 11 of these were saleable.

25
26 Mr. Giombetti asked if this land was under the purview of Board, to which Mr. Merriam
27 said it was. Mr. Merriam said that if the Board wished to sell or auction off the land then
28 Town Meeting would need to approve such action.

29
30 Mr. Sisitsky referenced the 48 Pratt Street property and said that such landlocked parcels
31 should also be offered to abutters as they may want to use their current lots as ways to
32 access this parcel.

33
34 Ms. Esty asked how many of the surveyed parcels the committee was recommending to
35 be sold. Mr. Merriam said 13 could be sold.

36
37 Mr. Giombetti asked what the benefit was in transferring some of the parcels to the
38 Conservation Commission. Mr. Merriam said oversight and long-term protection were
39 the two main benefits.

40
41 Mr. Giombetti asked for an estimate of the value of the land. Mr. Merriam said there was
42 not such as estimate as this was beyond the expertise and purview of the committee. Mr.
43 King said this estimate could be included as part of the implementation plan.

44
45 The Board complemented the committee and Mr. Purple for their work on this project.

1 Ms. Hall said the Town needed to establish protocols in regards to obtaining land,
2 including how it would be recorded and what the timeframe would be. She asked for a
3 policy decision by the Board.

4
5 Mr. Stasik asked about the property that was not listed in presentation. Ms. Hall said
6 these properties did not fit the established criteria but that it was worthy of more time and
7 effort. Mr. Merriam said the filtering took a lot of time and was done by Mr. Purple. Ms.
8 Hall said much of the land was designated as being owned by different Town
9 departments and she was unsure why.

10
11 Mr. Giombetti suggested that Mr. King provide an action plan for the parcels not
12 included. Mr. King said this was a good idea and felt that some parcels had a lot of
13 potential and noted their sale to abutters as an example.

14
15 Ms. Murphy asked if this would affect the Commonwealth Capital Fund in regards to
16 open space available in community. Mr. Merriam said none of land they looked at
17 counted towards open space but if it were to come under the Town's stewardship it would
18 be.

19
20 MOVED: To refer this issue to the Town Manager and have him come back to the Board
21 with an implementation plan with input from different departments to see if the land
22 could be of any use to them and if not for the Town to begin the process of selling the
23 property. This report will include the original recommendations.

24 Motion: Mr. Sisitsky Second: Mr. Stasik

25 VOTE: 5-0-0

26
27 MOVED: To refer the draft policy on recommendations of municipal property
28 maintenance to the Policy Subcommittee.

29 Motion: Mr. Sisitsky Second: Ms. Esty

30 VOTE: 5-0-0

31
32 The Chair called for a five minute recess at 10:07 PM.

33
34 The Chair called the meeting back to order at 10:18 PM.

35
36 Town Manager's Report

37
38 *Medicare D*

39 Mr. King provided follow up information on his previous presentation on Medicare D.
40 He gave the Board two letters regarding this matter, one that had been sent in April and
41 one to be sent in the future. Mr. King said the Board should be mindful that employees
42 had the option of what they will do. He said the Town would offer seminars and provide
43 outreach at the Callahan Senior Center. Mr. King said the Board voted at the last meeting
44 as to what the plan sponsor's decision would be and what would be encouraged to
45 employees.

46
47 *Request of the Town Counsel*

1 In response to Ms. Esty's memo, Mr. King said neither he nor Mr. Christopher Petrini,
2 Town Counsel, remembered seeing the questions that Ms. Esty said she submitted. Ms.
3 Esty said she asked Mr. King to consider that she submitted these questions in good faith
4 and that she had waited a while for the response. Mr. King said everyone but one person
5 seemed happy with this matter so he wondered what the problem was. Ms. Esty said she
6 wanted to be sure no one had a loss because of a decision made by the Town Manager.
7 Mr. King said it was a personnel policy of the Town. Ms. Esty noted that it was the
8 Town Manager's policy, not the Board's. Mr. King said that the Town Manager adopts
9 personnel policies as outlined in the Town Manager Act. Ms. Esty said she didn't accept
10 Mr. King's assertion and added that Town Meeting wanted it to be handled differently
11 than the Town Manager's policy. Mr. King said the Chief Financial Officer and
12 Personnel Director recommended in March 2003 that the policy be adopted and this was
13 done according to the Town Manager Act. He said two years later Town Meeting
14 weighed in on this policy. Mr. King said that Mr. Petrini noted that the wording of Town
15 Meeting's article did not necessarily negate the policy as it existed but given that Town
16 Meeting voted on the matter Mr. King said amended the policy to pay back to July 1,
17 2004. He said that this could not go before July 2004 because the Town could not pay
18 for a previous fiscal year and added that health insurance could not be paid retroactively.
19 Mr. King said the person in question owed for three months of benefits, which amounted
20 to about \$2,200. Ms. Esty said the person in question was given the impression that the
21 policy would change so they should not have to pay this amount. Mr. Giombetti said he
22 had trouble with the previous policy but that the current policy seemed to address the
23 issue. He said the Board could decide to write off the amount owed and asked if this
24 would resolve the issue without getting the Town Counsel involved. Ms. Esty said it
25 would. Ms. Murphy wondered why the Board was dealing with this issue as the
26 individual in question did not go through the proper channels. Mr. King said the Town
27 had never heard from this individual. Ms. Esty said the individual tried to appeal the
28 matter, to which Mr. King responded that he wasn't aware of this. Ms. Murphy said there
29 were proper channels to address this and said it should be dropped until it goes through
30 these channels. Ms. Esty said the family was too embarrassed to come forward and that
31 she was doing it for them. Mr. Stasik said he remembered the person who showed up to
32 Town Meeting to speak on this issue and added that if this was the only person affected
33 then the Board should forego trying to collect the debt. Ms. Murphy said there was
34 always health coverage and expressed concern with the precedent that this action would
35 set. Mr. Sisitsky asked if there was only one family affected and Mr. King replied that
36 there were people who did not keep their benefits and went to military insurance. Mr.
37 Sisitsky wondered if those who took coverage elsewhere would ask us for reimbursement
38 for that if we forgave the debt of this one individual. Ms. Esty said she believed they did
39 not pay for it elsewhere because the military provided it for them. Mr. Sisitsky said this
40 would not be the end of the issue if it passed tonight.

41
42 MOVED: To forgive the unpaid debt to the town for this particular family.

43 Motion: Mr. Stasik Second: Mr. Giombetti

44 VOTE: 3-2 (Ms. Murphy and Mr. Sisitsky voted no)

45
46 Mr. King asked if this resolved the issue, which Ms. Murphy said it did.

1 *Callahan Center*

2 Mr. King stated that the new Callahan Senior Center was in a flood plain and that flood
3 damage was not covered under the Town's property and casualty insurance policy. He
4 said the Town could obtain \$500,000 in flood insurance for the basement at an annual
5 cost of \$62,500. Mr. King noted that this amount was more than 10% of the cost of the
6 Town's entire liability insurance program. He sought guidance from the Board.
7

8 Ms. Esty suggested ordering concrete and filling up the basement. Mr. King said the
9 handicap elevator ran from the basement. Mr. Giombetti said he lived near that area and
10 that it was susceptible to flooding. Mr. Sisitsky asked if the area had mold problems,
11 which Mr. King said it did and added that there wasn't any coverage for mold caused by
12 a flood. Ms. Esty asked what the plans were for the basement area and Mr. King said
13 there were no public plans for the basement. Mr. Giombetti asked about first floor. Mr.
14 King said it was not at the same risk level as before RCN made some changes. Ms. Esty
15 asked if basement items could be put into an auxiliary shed. Mr. King said he didn't
16 think so because of expense. Mr. Stasik asked if the Town was aware of the flooding
17 potential when the building was purchased. Mr. King said the Town was aware. Mr.
18 Stasik said he would have preferred to have made this decision at the time of the purchase
19 rather than now. Mr. King said the flood and environmental issues had been discussed
20 extensively. He said unless he was told otherwise, he would not be purchasing the flood
21 insurance.
22

23 *Town Manager Self-Evaluation*

24 Mr. King handed out his self-evaluation, a blank evaluation form, and a return envelope
25 to each Board member. He said the Board's evaluations were due back on September 27,
26 2005 and the full report would be made public on October 11, 2005. Mr. King said he
27 could make a verbal presentation of his self-evaluation next week if the Board so desired.
28

29 Mr. Stasik wondered who had access to the evaluation documents. Mr. King said that
30 one copy went to him, one went to the policy subcommittee, and one to each Board
31 member. He added that the public only received the composite evaluation. Mr.
32 Giombetti said there had been a lot of discussion about reviews lately and he asked if the
33 Town would survive a challenge from the District Attorney's office. Ms. Murphy said
34 the process had always been done this way per the Town Manager's contract. She noted
35 that the Wayland ruling stated that everything was public. Mr. King said the Wayland
36 ruling was a result of the process being done in executive session. He said his contract
37 stated that only the composites were to be released publicly. Ms. Esty asked what part of
38 the contract specified this and Mr. King replied by stating that section three, part A of the
39 original document he signed in 1999 included this language.
40

41 Mr. Giombetti asked for an update on the Chief Financial Officer (CFO) search. Mr.
42 Sisitsky said the search committee interviewed four candidates and recommended three
43 to the Town Manager. Mr. King said he interviewed the candidates and wanted to speak
44 with the committee members again as he had asked the consultant to consider one other
45 candidate. He hoped to have the new CFO appointed at the October 11, 2005 meeting.
46

47 Selectmen's Reports

1
2 *Update on Route 126/135*

3 Mr. Stasik presented a letter to the Board for a hearing next Monday, September 19, 2005
4 for those interested in learning more about a solution to the traffic congestion downtown.
5 He said there were four ways to get the community involved: 1) by holding public
6 participation at every meeting, 2) by having the committee hold public hearings, 3) by
7 having the Board hold public hearings, or 4) once the Board and committee make a
8 decision, a “dog and pony” show could be held.

9
10 Mr. Stasik said he had received some applications for this committee. He suggested
11 sending out press releases to encourage people to attend the next meeting and then have
12 the Board decide on members at the September 27, 2005 meeting. Mr. Stasik said that
13 letters were being sent out to the original members of the Citizen’s Advisory Committee
14 to see if they were interested in serving on the committee. He said he asked the local
15 delegation if they would like to serve as ex-officio members but the Board may want to
16 grant them voting rights. Mr. Stasik said time was a time factor because the expansion of
17 the service to Worcester. He asked the Board to decide on categories for the committee’s
18 membership.

19
20 Mr. Stasik said he received a call from a Natick resident who was involved in the
21 chemical treatment of Lake Cochituate. He said he thought that there were some people
22 in the environmental community who were concerned with this approach. Mr. Stasik
23 wondered whether other Board members shared this concern. Ms. Esty said she was
24 concerned and suggested someone from the Board of Health represent the Town on this
25 matter.

26
27 Mr. Stasik said Board was going to hold recognition reception for Town Historian Steve
28 Herring and suggested having the event at 6 PM before the next meeting.

29
30 Ms. Murphy said Board was meeting with the Sister City Delegation at 11 AM on
31 September 14, 2005. She noted that there would be a reception from Noon to 2 PM in the
32 Public Hearing room and there would also be a second reception at the New Life
33 Presbyterian Church at the same time.

34
35 Mr. Sisitsky said he attended the Community Action Team for Alcohol Abuse and
36 discussed two possible amendments to the liquor policy. These amendments included a
37 BYOB policy and also dealing with restaurants that advertised half-price appetizers that
38 were only available in the bar to encourage drinking. He said that the Traffic and
39 Roadway Safety Committee would be meeting tomorrow and that one item they would be
40 discussing was the ongoing discussion of parking in the vicinity of Learned Pond.

41
42 Ms. Esty said she attended a meeting at Roosevelt Park following the alleged sexual
43 assault. She said the Police Chief presented data about calls within a 500 foot radius,
44 which she noted did not include the wet shelter or one of the areas where the alleged
45 perpetrator came from. Ms. Esty suggested expanding this radius another mile or two to
46 include the wet shelter and to generate another report. Mr. King suggested a 1,000 foot
47 radius emanating from Bethany Road.

1
2 Ms. Esty referenced the housing plan that was voted by Town Meeting. She said that a
3 packet given to the legislative panel by Rep. Blumer's office did not include a letter from
4 Mr. Stasik but it did include a letter from Ms. Murphy and Ms. Helen Lemoine which
5 accused Town Meeting of acting in a manner that would prevent the Town from ever
6 having a successful housing plan. Ms. Esty said that if a majority voted to back this plan
7 then this vote must be reinforced with the committee and its members. She suggested
8 writing to the legislators to clarify that the plan was almost unanimously approved by
9 Town Meeting and the Board. Mr. Giombetti said he thought the legislators were already
10 cognizant of this. Mr. Stasik said the local delegation was aware and added that members
11 of the committee had issues with Town Meeting requiring a two-thirds vote to approve
12 the housing plan.

13
14 Ms. Esty said the Chair had taken the stance that the Board would not talk about a social
15 service agency unless they were present. Ms. Murphy said she did not recall making that
16 decision and added that she had no problem with talking about them if they were not
17 present. She noted that the Board had a functioning social service subcommittee. Ms.
18 Esty said questions should be addressed to the Board and Ms. Murphy said they should
19 be addressed to the subcommittee. Ms. Esty said the subcommittee did not meet in
20 public, to which Mr. Giombetti replied that they did. Ms. Esty suggested creating a list of
21 official questions. Ms. Murphy asked what Ms. Esty's concern was. Ms. Esty said that
22 there was an impression that the Board would not discuss an agency if they were not
23 present.

24
25 Ms. Esty referenced a letter she received from Mr. Joseph Bradley. She said the letter
26 described the difficulty of mixed use and zoning. Ms. Esty said that she hadn't seen his
27 complaint on the nuisance reports but that Mr. Bradley stated he did have action from the
28 Building Department on some occasions. She said she was pleased Mr. King was
29 stepping up with enforcement efforts and hoped he could address this issue.

30
31 Ms. Esty said Ms. Karen LaChance contacted her and noted that ERA was going to focus
32 on building better communities and improving quality of life and was sending copies of a
33 report to the Town.

34
35 Ms. Murphy noted some upcoming conferences and said she attended a nice ceremony
36 for the Fitts Family for their work downtown. She said that the immigration forum was
37 moving forward and she hoped to have Senator Ted Kennedy in attendance. Ms. Murphy
38 said she thanked Senator Pamela Resor in person for all of her work so a letter to her
39 would no longer be necessary.

40
41 MOVED: To adjourn.

42 Motion: Mr. Stasik Second: Mr. Giombetti

43 VOTE: 5-0-0

44
45 Meeting adjourned at 11:38 PM.

1 Respectfully submitted,
2
3
4
5 Charles J. Sisitsky, Clerk